

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Case No. 09-MD 2017 (LAK)

LEHMAN BROTHERS SECURITIES
AND ERISA LITIGATION,

This Document Applies Only to:

*Retirement Housing Foundation and Foundation
Property Management, Inc. v. Richard S. Fuld, Jr.;
Michael L. Ainslie; Roland A. Hernandez; John F.
Akers; Roger S. Berlind; Joseph M. Gregory;
Thomas H. Cruikshank; Marsha Johnson Evans;
Henry Kaufman; John D. Macomber; Christopher
M. O'Meara; Christopher Gent; Erin M. Callan;
Ian T. Lowitt; Ernst & Young, L.L.P.*

Case No. 10-cv-06185-LAK

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**JOINT STIPULATION FOR DISMISSAL AS AGAINST THE
LEHMAN OFFICER DEFENDANTS**

This joint stipulation was entered into on the 16th day of June 2014, by and among counsel for each of the parties in the referenced action.

WHEREAS, this action was originally filed in the Superior Court for the County of Los Angeles on or about April 9, 2010;

WHEREAS, this Defendants filed a Notice to Remove this action to the United States District Court for the Central District of California on or about April 15, 2010, captioned *Retirement Housing Foundation, et al. v. Fuld et al.*, Case No. 10-cv-2746-SVW;

WHEREAS, this action was removed and transferred to the United States District Court for the Southern District of New York on or about August 17, 2010, pursuant to transfer orders from the Judicial Panel on Multidistrict Litigation, in the following captioned action: *Retirement*

Housing Foundation, et al. v. Fuld et al., Case No. 10-cv-06185-LAK. This action was then coordinated with the master MDL case, *In re Lehman Brothers Securities and ERISA Litigation*, Case No. 1:09-md-02017-LAK, for pretrial proceedings;

WHEREAS, on or about November 29, 2011, Plaintiffs filed their First Amended Complaint;

WHEREAS, on or about January 6, 2012, Defendants including Richard S. Fuld, Jr., Christopher M. O'Meara, Ian Lowitt, Joseph Gregory, and Erin Callan (together, the "Officer Defendants") moved to dismiss the First Amended Complaint;

WHEREAS, on or about December 17, 2012, this Court issued Pretrial Order No. 49 granting in part and denying in part the motions to dismiss, including with respect to claims against the Officer Defendants, as further reflected in Pretrial Order No. 53 docketed on January 3, 2013;

WHEREAS, on or about January 31, 2013, each of the Officer Defendants answered the First Amended Complaint;

WHEREAS, on or about April 2, 2013, the parties stipulated to allow Plaintiffs to amend their First Amended Complaint and to dismiss Plaintiff RHF Foundation Inc. without prejudice, which was ordered by the Court (*see* Docket No. 1167);

WHEREAS, the parties have now resolved the claims regarding the Officer Defendants. No other party or other person or entity has filed a pleading or action against the Officer Defendants relating to the claims brought by Plaintiffs, and Defendants have not filed or raised a counterclaim in this action.

WHEREAS, this stipulation does not include Defendant Ernst & Young LLP, the only defendant that will remain in the action.

NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1), the parties hereby stipulate to dismiss the Officer Defendants from the above titled action with prejudice. No other party to this action (including Defendant Ernst & Young LLP) is being dismissed by this stipulation, and each party is to bear its own costs.

IT IS SO STIPULATED.

Dated: June 16, 2014

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NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1), the parties hereby stipulate to dismiss the Officer Defendants from the above titled action with prejudice. No other party to this action (including Defendant Ernst & Young LLP) is being dismissed by this stipulation, and each party is to bear its own costs.

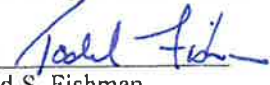
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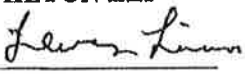
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Handwritten signature
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SO ORDERED.

Date: _____

Hon. Lewis A. Kaplan
United States District Judge


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SO ORDERED.

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